

## Message Text

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72

ORIGIN L-02

INFO OCT-01 ARA-06 EUR-12 EA-06 IO-10 ISO-00 EB-07 AID-05

COME-00 LAB-04 TRSE-00 OIC-02 H-02 SIL-01 DIWY-01

XMB-02 NSC-05 SS-15 CIAE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 INRE-00 PA-01 PRS-01 AF-06 NEA-09 /098 R

DRAFTED BY L:SMSCHWEBEL:EMB

APPROVED BY IO/CMD:DNFORMAN

EB/OT/GCP - MR. DUNFORD

IO/CMD - MR. POOLE

EUR/WE - MR. MARSH

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O 182104Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY PARIS IMMEDIATE

AMEMBASSY THE HAGUE

INFO AMEMBASSY LIMA IMMEDIATE

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

USMISSION EC BRUSSELS

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION USUN NEW YORK

AMEMBASSY WELLINGTON

USMISSION OECD PARIS

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E.O. 11652: GDS

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TAGS: EGEN, UNIDO

SUBJECT: UNIDO II: CERDS ISSUE ON RESPECT FOR INTER-  
NATIONAL OBLIGATIONS

REF: (A) LIMA 2182; (B) STATE 060044; (C) STATE 041860

1. AS RECOUNTED IN REFTEL (A), AT CURRENT UNIDO MEETING IN LIMA FRANCE HAS PROPOSED THAT ASSERTION OF RIGHTS OF PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES BE QUALIFIED BY A REFERENCE SUCH AS: "STATES TAKING MEASURES IN THE EXERCISE OF THE FOREGOING RIGHTS SHALL FULFILL IN GOOD FAITH INTERNATIONAL OBLIGATIONS FREELY CONSENTED TO BY THEM".

2. AS MADE CLEAR IN REFTEL (B), USG CANNOT ACCEPT CONDITIONING OF A REFERENCE TO OBSERVANCE OF INTERNATIONAL OBLIGATIONS BY SPECIFYING ONLY THOSE OBLIGATIONS THAT ARE "FREELY CONSENTED TO" BY STATES, BECAUSE SUCH PHRASEOLOGY APPEARS TO BE LIMITED TO OBLIGATIONS UNDERTAKEN BY TREATY AND TO EXCLUDE THE OBLIGATIONS OF CUSTOMARY INTERNATIONAL LAW.

3. THIS VERY ISSUE WAS CONSIDERED FULLY IN NEGOTIATIONS OVER CHARTER OF ECONOMIC RIGHTS AND DUTIES (CERDS). FRANCE

TOOK A VIGOROUS LEAD IN OPPOSING PROPOSALS OF THE SUBSTANCE IT HAS NOW ADVANCED IN LIMA WHICH WOULD PREJUDICE THE APPLICABILITY OF CUSTOMARY INTERNATIONAL LAW IN THE SPHERE OF PERMANENT SOVEREIGNTY, NATIONALIZATION, ETC. WE ACCORDINGLY ARE AT A LOSS TO UNDERSTAND WHY FRANCE IS TAKING A CONTRARY POSITION IN UNIDO NEGOTIATIONS, AS WAS FORESHADOWED IN UNIDO PREPARATIONS (REFTEL C).

4. FOR PARIS: REQUEST EMBASSY IMMEDIATELY DISCUSS FOREGOING WITH CHOLLET OR DE LACHARIERRE OR OTHER APPROPRIATE OFFICIAL AND REQUEST THAT FRANCE WITHDRAW SUPPORT FOR LIMITING INTERNATIONAL OBLIGATIONS TO THOSE FREELY CONSENTED TO OR FREELY ASSUMED BY STATES.  
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5. FOR HAGUE: REQUEST EMBASSY TO TAKE UP FOREGOING WITH GON, NOTING THAT, WHILE DUTCH DEL IN LIMA HAS SUPPORTED FRENCH PROPOSAL AND PUT FORTH A VARIATION OF IT, THIS DUTCH POSITION DOES NOT APPEAR TO CONFORM TO THAT WHICH IT TOOK ON CERDS. GON JOINED WITH OTHER EC PARTNERS AND USG AND OTHERS IN COSPONSORING AN AMENDMENT TO CERDS WHICH WOULD HAVE PROVIDED FOR OBSERVANCE OF "INTER-

NATIONAL OBLIGATIONS" NOT "INTERNATIONAL OBLIGATIONS  
FREELY ASSUMED BY THEM". MOREOVER GON VOTED AGAINST  
OFFENDING PERTINENT PARA. OF ART. 2 OF CERDS. INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NATURAL RESOURCES, AGREEMENTS, COMMITTEE MEETINGS, TERRITORIAL CLAIMS, MEETING REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 18 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 LIMA 2182, 75 STATE 060044, 75 STATE 041860  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MorefiRH  
**Review Comment:** n/a  
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05 JUL 2006

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**Review Transfer Date:**  
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**Status:** NATIVE  
**Subject:** UNIDO II: CERDS ISSUE ON RESPECT FOR INTER- NATIONAL OBLIGATIONS  
**TAGS:** EGEN, UNIDO  
**To:** PARIS THE HAGUE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006